

**IN THE CLAIMS**

1. (currently amended) An instrument for holding an intervertebral spacer, the instrument comprising:

a shaft having a proximal end forming a handle, and a distal end forming a claw subassembly ~~for holding said spacer;~~

said claw subassembly including a first pincer which is fixed at the distal end of the shaft and a second pincer which is selectively rotateable into and out of spacer holding association with said first pincer ~~to hold and release, respectively, the spacer;~~ and

an actuation mechanism for selectively rotating the second pincer, wherein said first and second pincers have opposing curved surfaces that extend to a distal end of said instrument.

2. (original) The instrument of claim 1, wherein the second pincer is rotateably mounted to the shaft and is spring biased away from the first pincer.

3. (original) The instrument of claim 2, wherein the actuation mechanism comprises a sliding member mounted to the shaft which is selectively moveable in the distal direction by a force sufficient to overcome the bias of the spring, the distally directed movement of the sliding member thereby causing the second pincer to move toward the fixed first pincer, and the subsequent retraction of the sliding member in a proximal direction causes the sliding member to disengage the second pincer and the permits the pincers to separate under the bias of the spring.

4. (original) The instrument of claim 3, wherein the second pincer includes a tapered surface which is engaged by a

corresponding surface of the sliding member, said engagement causes the second pincer to rotate relative to the first pincer.

5. (currently amended) ~~The~~ A combination including the instrument of claim 1, wherein the combination comprising:

~~the an~~ an intervertebral spacer ~~comprises comprising~~ a cylindrical member having an annular groove defining a central axial core portion and a pair of flange portions at opposing ends thereof; and

the claw subassembly engages the spacer at the central axial core.

6. (currently amended) An intervertebral spacer grasping instrument, comprising:

a pair of pincers, a first of ~~this~~ said pair being fixed, and a second being coupled to the first in open-biased opposition thereto; and

a sliding element which may be selectively translated into and out of engagement with said second pincer to ~~close~~ close and open ~~the~~ said pair of pincers, respectively.

7. (original) The grasping instrument of claim 6, wherein:

the pair of pincers define an intervertebral spacer grasping enclosure having an access opening through which the intervertebral spacer can be passed for placement into the enclosure when the sliding element is out of engagement with the second pincer; and

the spacer is securely maintained between the first and second pincers when the sliding element has been translated into engagement with the second pincer.

8. (original) The grasping instrument of claim 7, wherein the first and second pincers are mounted at the distal end of a common shaft, and the sliding element is translatable along said shaft; and wherein the second pincer has a portion thereof which is engaged by the sliding element to dose the pair of pincers.

9. (original) The grasping instrument of claim 8, wherein the second pincer is mounted to the common shaft by a pivot joint, and the portion of the second pincer which is engaged by the sliding element is a tapered surface, the angle of which tapered surface, when engaged by the sliding element, causes the second pincer to rotate about the pivot joint, closing the first and second pincers.